

## REMARKS

Claims 1-2, 4-7, 18-19, 24-25 and 30 are pending in the application. In the Office Action dated January 29, 2003, the Examiner (1) rejected claim 1 under 35 USC § 112, first paragraph; (2) rejected claims 1, 18-19, 24-25 and 30 under 35 USC § 103(a) as being unpatentable over Hammond (U.S. 5,921,046) in view of Ellison (U.S. 5,881,524); and (3) objected to the drawings. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

The undersigned attorney wishes to express appreciation to the Examiner for his courtesy in conducting a telephone interview with Applicant's attorney, Mr. Steven Arterberry, on March 13, 2003, and for conducting informal discussions with the undersigned. Applicant sincerely appreciates the opportunity to discuss the scope of the claims and the patentability of thereof, and greatly appreciates the Examiner's open-minded approach to these topics. As described more fully below, it is believed that agreement has been reached between the Examiner and the Applicant's attorneys on allowable subject matter, however, if there are any questions or concerns in this regard, the Examiner is kindly requested to contact the undersigned.

Applicant hereby proposes to amend claims 1, 2, 4, 7, 18, 24, and 30 to put these claims in condition for allowance. Applicant also requests to add new claims 31-35, which depend from claim 18 and which Applicant respectfully believes are also in condition for allowance. Applicant respectfully requests the Examiner will exercise his discretion in permitting the proposed claim amendments so that the case can proceed to allowance.

### *I. Rejection of claim 1 under 35 USC § 112, first paragraph.*

Claim 1 was rejected under 35 USC § 112, first paragraph. Specifically, the Examiner noted that the terms "said facing covering" and "the face" lack antecedent basis. Applicant has amended claim 1 to correct these informalities or to otherwise remove indefiniteness from the claim. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Applicant further submits that these amendments do not narrow the subject claim. In fact, Applicant has further amended Claim 1 to remove an unnecessary limitation regarding tapering of a void, thereby broadening Claim 1.



25315

PATENT TRADEMARK OFFICE

## ***II. Rejection of claims under 35 USC § 103(a).***

As noted above, claims 1, 18-19, 24-25 and 30 have been rejected under 35 USC § 103(a) as being unpatentable over Hammond in view of Ellison.

### **Claims 1-2, 4-7, and 30, and newly added Claim 31**

In the telephone interview dated March 13, 2003, agreement was reached with the Examiner that the prior art fails to teach or suggest the limitation found in claim 1 that the facing is bonded to an exterior surface of said block “during the molding of the block.” Applicant respectfully submits that Claim 1 is therefore allowable.

Since the above-noted limitation was present in Claim 1 at the time the final rejection of Claim 1 was issued, Applicant respectfully submits that this limitation does not raise any new issues that require further search. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection, and allowance of Claim 1.

As amended, Claims 2, 4-7, and 30 depend from Claim 1 and are allowable for the same reasons as Claim 1 and also due to additional limitations contained in those claims. Applicant respectfully requests that the Examiner will allow the proposed amendments of claims 2, 4, and 7, which merely amend informalities regarding the dependency of these claims which was erroneously introduced by Applicant’s previous amendment, namely, the dependency of the apparatus claims from a method claim (Claim 26).

Finally, Applicant requests that the addition of newly added Claim 31, which depends from allowable Claim 1, be permitted by the Examiner. No new matter has been added.

### **Claims 18-19 and 24-25, and newly added Claims 32-35**

Consistent with the agreement reached during the telephone interview on March 13, 2003, Applicant hereby requests to amend claim 18 to include the limitation that the facing is “attached to the block of foam simultaneously with the molding of the block of foam.” Again, since agreement was reached that this limitation is not taught or suggested by the prior art, Applicant respectfully requests that this amendment be permitted as putting claim 18 in condition for allowance, and that action is requested.



**25315**

PATENT TRADEMARK OFFICE

Claims 19 and 24-25 depend from Claim 18 and are allowable for the same reasons as Claim 18 and also due to additional limitations contained in those claims. Finally, Applicant requests that the addition of newly added Claims 32-35, which depend from allowable Claim 18, be permitted by the Examiner. No new matter has been added.

### *III. Objection to Drawings.*

Finally, the Examiner objected to the drawings on grounds that they "fail to show a block having the voids being tapered." Applicant respectfully draws the Examiner's attention to Applicant's Figures 1 and 3, which both show the subject tapering of the voids. Specifically, one may observe that the lines which define the void forms are not parallel, but rather, exhibit divergence. In other words, the spacing between two adjacent void forms is smaller near the upper end of the void forms and larger near the bottom end of the void forms. This feature is visible in both Figure 1 and in Figure 3, and provides the necessary support for Applicant's claims which recite that the voids may be tapered voids. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings.

### **CONCLUSION**

In light of the foregoing amendments and remarks, Applicant believes that pending claims 1-2, 4-7, 18-19, 24-25 and 30, and newly added claims 31-35, are in condition for allowance, and that action is respectfully requested. If there are any remaining matters that can be handled in a telephone conference, the Examiner is kindly invited to telephone the undersigned attorney, Dale C. Barr, at (206) 957-2463.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>



Dale C. Barr

Registration No. 40,498

Direct Dial: 206.957.2463



25315

PATENT TRADEMARK OFFICE